

Raising the bar will encourage innovation

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EXPORTERS, researchers and brand owners will be the big winners from a range of reforms proposed to Australia's intellectual property (IP) system.

Innovation Minister Senator Kim Carr said a modern economy needs a strong IP system to protect its great ideas.



The ability of Australian businesses to successfully compete in the global economy will depend on the protection of their ideas.

The Intellectual Property Laws Amendment 'Raising the Bar' Bill 2011 brings significant improvements to the patent, trade mark, copyright, design and plant breeder's rights systems.

The key reforms include raising patent standards to ensure Australian innovators are well placed to take their inventions to the world; increasing penalties for trademark counterfeits; improvements to border security measures for goods that infringe copyright and trademarks; providing free access to patented inventions for researchers and cutting red tape and delays when seeking an IP right.

AusBiotech, Medicines Australia and The Walter and Eliza Hall Institute have all welcomed the legislative bill that was introduced into the senate yesterday.

AusBiotech chief executive officer Dr Anna Lavelle said, "Two years of consultation and deliberation that has resulted in the Raising the Bar bill will guarantee a strengthening of Australia's IP management system."

Medicines Australia acting chief executive officer Andrew Bruce said a "research use exemption" for which the bill provides would directly address concerns in some quarters that patents on biological materials could potentially stifle scientific research.

"The bill makes it absolutely clear that scientists are free to conduct research on patented inventions, so long as the purpose of that research is investigation and not the infringement of valid patents," Bruce said.

Walter and Eliza Hall Institute head of business development Dr Julian Clark said the improvements would ensure that Australia's intellectual property system is more aligned with global best practice.

"The institute has, for a long time now, supported the building of a stronger, more efficient and competitive patent rights system in Australia," Clark said.

"Importantly, this bill addresses several major issues that have been raised in the senate inquiry into gene patents, including raising the bar for inventiveness and removing the concern that some researchers have expressed about the possibility that they are infringing patents with their research activities. It will also improve the efficiency of Australia's patent system."

Bruce said the bill would raise the threshold of patentability for all fields of technology, ensuring that Australian patents can stand up to scrutiny in any jurisdiction around the world.

Institute director Professor Doug Hilton said the Raising the Bar bill would raise industry standards on patenting without jeopardising human health and the development of new treatments for disease.

The government's Raising the Bar bill is more balanced and constructive than the Private Members' Bill on gene patents, which would undermine Australia's IP system and which is currently the subject of an inquiry by the Senate Legal and the Constitutional Affairs Committee.